

Panaji, 25th April, 1991 (Vaisakha 5, 1913)

SERIES I No. 4

OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note: There are two Extraordinary issues to the Official Gazette, Series I No. 3 dated 18-4-91, namely: No. 1 dated 22-4-91 from pgs. 19 to 20 and No. 2 dated 23-4-91 from pgs. 21 to 22 regarding Notifications from Law (Legal and Legislative Affairs) Department.

GOVERNMENT OF GOA

Agriculture Department

ORDER

10-1-79-AGR Vol. VIII

Government of India, Ministry of Agriculture (Deptt. of Agri. and Cooperation) New Delhi Order No. 1-2-89-Fert. Law dated 31-8-90 published in the Gazette of India (Extraordinary) Part II Section 3, Sub-section (ii) is hereby republished in the Official Gazette for general information of the Public.

D. N. Accawade, Under Secretary (Agriculture).

Panaji, 4th December, 1990.

ORDER

S. O. 675(E). — In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertilizer (Control) Order, 1985, namely: —

1. (1) This Order may be called the Fertilizer (Control) (Fourth Amendment) Order, 1990.
- (2) It shall come into force on the date of its publication in the Official Gazette.
2. In sub-clause (3) of clause 13 of the Fertilizer (Control) Order, 1985, for the words "two years", the words "upto 27th July, 1991" shall be substituted.

Sd/-

(R. M. SETHI)

Joint Secretary to the Government of India.

Note: — 1. The Fertilizer (Control) Order, 1985 was published vide GSR(E) dated 25th September, 1985 and subsequently amended by: —

- (i) GSR 201 (E) dated 14th February, 1986
- (ii) GSR 1160 (E) dated 21st October, 1986
- (iii) S. O. 822 (E) dated 14th September, 1987

- (iv) S. O. 1079 (E) dated 11th December, 1987
- (v) S. O. 252 (E) dated 11th March, 1988
- (vi) S. O. 724 (E) dated 28th July, 1988
- (vii) S. O. 725 (E) dated 28th July, 1988
- (viii) S. O. 940 (E) dated 11th October, 1988
- (ix) S. O. 498 (E) dated 29th June, 1989
- (x) S. O. 581 (E) dated 27th July, 1989
- (xi) S. O. 763 (E) dated 25th August, 1989
- (xii) S. O. 738 (E) dated 15th September, 1989
- (xiii) S. O. 140 (E) dated 12th February, 1990
- (xiv) S. O. 271 (E) dated 29th March, 1990
- (xv) S. O. 403 (E) dated 23rd May, 1990.

ORDER

10-1-79-AGR Vol. VIII

Government of India, Ministry of Agriculture (Department of Agriculture and Cooperation) New-Delhi order No. 1-4/89-Fert-Law dated 12-2-90 published in the Gazette of India, (Extraordinary) Part II section 3, Sub-Section (II) is hereby republished in the Official Gazette for general information of the public.

D. N. Accawade, Under Secretary (Agriculture).

Panaji, 4th April, 1990.

1-4/89-Fert. Law

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 12th February, 1990.

ORDER

S. O. 140 (E). — In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1985, namely: —

1. (1) This order may be called the Fertiliser (Control) (Amendment) Order, 1990.
- (2) It shall come into force on the date of its publication in the Official Gazette.
2. In the Fertilizer (Control) Order, 1985, (hereinafter referred to as the said order),

in sub-clause (1) of clause 28, after the second proviso thereunder, the following proviso shall be added, namely :—

“Provided also that the Inspector shall give the stop sale notice in writing, to the person whose stocks have been detained and initiate appropriate action as per the provisions of this order within a period of twenty-one days. If no action has been initiated by the Inspector within the said period of twenty-one days from the date of issue of the said notice, the notice of stop sale shall be deemed to have been revoked.”

3. In Schedule-I to the said order, under, the heading “Part-A. Specifications of fertilisers.”

(1) Under the sub-heading “1. (b) Straight phosphatic fertilisers”, serial number 8 and the entries relating thereto shall be omitted.

(2) Under the sub-heading “1. (d) N. P. Fertilisers” after serial number 12 and the entries relating thereto, the following serial number and entries shall be added, namely :—

Name of the Fertilisers	Specifications	
1	2	
“13. Ammonium Nitrate Phosphate (23.23-0)	(i) Moisture per cent by weight maximum.	1.5
	(ii) Total nitrogen per cent by weight, minimum.	23.0
	(iii) Nitrogen in ammonical form per cent by weight, minimum.	13.0
	(iv) Nitrogen in nitrate form per cent by weight, maximum.	10.0
	(v) Neutral ammonium citrate soluble phosphate (as P_2O_5) per cent by weight, minimum.	23.0
	(vi) Water soluble phosphate (as P_2O_5) per cent by weight, minimum.	20.5
	(vii) Particle size-90 per cent of the material shall pass through 4mm IS sieve and be retained on 1 mm IS sieve. Not more than 5 per cent shall be below 1 mm IS sieve.”	

(3) After serial number 9 of the sub-heading “1. (f) Micronutrients”, the following sub-heading serial number and the entries relating thereto shall be added, namely :—

Name of the Fertilisers	Specifications	
1	2	
“1.(9) Fortified Fertilisers		
1. Boronated Single Super Phosphate (16% P_2O_5 Powdered)	(i) Moisture per cent by weight, maximum.	12.0
	(ii) Free phosphoric acid (as P_2O_5) per cent by weight, maximum.	4.0
	(iii) Water soluble phosphate (as P_2O_5) per cent by weight, minimum.	16.0
	(iv) Boron (as B) per cent by weight, maximum.	0.18
2. Zincated Urea	(i) Moisture per cent by weight, maximum.	1.0
	(ii) Total nitrogen per cent by weight, (on dry basis) minimum.	42.0
	(iii) Zinc (as Zn) per cent by weight, minimum.	2.0
	(iv) Biuret per cent by weight, maximum.	1.5
	(v) Particle size-90 per cent of the material shall pass through 2.8 mm IS sieve and not less than 80 per cent by weight shall be retained on 1 mm IS sieve.”	

Sd/-

(R. M. SETHI)

Joint Secretary to the Government of India.

Foot Note :— The Fertiliser (Control) Order, 1985 was published vide G.S.R. 758 (E) dated 25th September, 1985 and subsequently amended by, —

- (i) G. S. R. 201 (E) dated 14th February, 1986.
- (ii) G. S. R. 1160 (E) dated 21st October, 1986.
- (iii) S. O. 822 (E) dated 14th September, 1987.
- (iv) S. O. 1079 (E) dated 11th December, 1987.
- (v) S. O. 252 (E) dated 11th March, 1988.
- (vi) S. O. 724 (E) dated 28th July, 1988.
- (vii) S. O. 725 (E) dated 28th July, 1988.
- (viii) S. O. 940 (E) dated 11th October, 1988.
- (ix) S. O. 498 (E) dated 29th June, 1989.
- (x) S. O. 581 (E) dated 27th July, 1989.
- (xi) S. O. 673 (E) dated 25th August, 1989.
- (xii) S. O. 738 (E) dated 15th September, 1989.

Public Works Department

Notification

CE/PWD/1276/90-PW&UD

The enlistment of Contractors in the P.W.D., Goa will be governed as per the attached Rules with effect from the publication of this Notification in the Goa Official Gazette.

All the Contractors registered in P.W.D. are requested to apply for renewal of their registration one month prior to the expiry of their existing registration certificates.

The payment of fees for fresh registration and renewal of the same are same as per the Notification No. 7/10-5/89-PW&UD dated 20th April, 1989.

This Notification supersedes all earlier Notifications and prevailing Rules in force in the P.W.D.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa (P.W.D.).

Panaji, 8th March, 1991.

RULES REGARDING ENLISTMENT OF CONTRACTORS IN P. W. D. GOVERNMENT OF GOA

The enlistment of contractors in P.W.D. will be done in the following categories:

1. BUILDINGS.
 2. ROADS, BRIDGES AND LAND DEVELOPMENT.
 3. WATER SUPPLY AND WASTE WATER DISPOSAL.
 4. IRRIGATION AND HYDRAULIC WORKS.
 5. ELECTRICAL AND MECHANICAL WORKS.
 6. FURNITURE.
1. This category of contractors consists of the following classes:
 - a) Class I-A Qualified to tender for works upto any amount.
 - b) Class I-B Qualified to tender for works upto Rs. one crore.
 - c) Class II Qualified to tender for works not exceeding Rs. 22.5 lakhs.
 - d) Class III Qualified to tender for works not exceeding Rs. 7.5 lakhs.
 - e) Class IV Qualified to tender works not exceeding Rs. 2.25 lakhs.
 - f) Class V Qualified to tender for works not exceeding Rs. 75,000/-.
 2. Contractors enlisted in Class (I-A) I-B, II and III will be required to employ technical staff whenever they execute works in the Department as under: —
 - i) For works costing over One graduate Engineer.
Rs. 5 lakhs.
 - ii) For works costing more than Rs. 2 lakhs but less than Rs. 5 lakhs. One qualified Diploma Holder Engineer.

Security Deposit:

3. The rates for deposit of security amount by contractors will be as under:

At the rate of 10% of the gross value of the works done, in each running bill as alongwith the amount of Earnest Money, if any, already deposited by the contractor, will amount to 10% of the cost of work put to tender, subject, to a maximum of Rs. 1 lakh. The total security deposit recoverable from a contractor including the amount of earnest money, should not exceed the security amount recoverable at the rates mentioned above.

Earnest Money:

- i) For works upto Rs. 5 lakhs 2.5% of the estimate cost subject to a maximum of Rs. 10,000.
- ii) For works above Rs. 5 lakhs 2% ad valorem subject to a maximum of Rs. 20,000/-.

The following qualifications are required for different classes of contractors.

Class I - A (Buildings):

The eligibility criteria for registration of contractors in Class I-A (Building), *inter alia*, is as under:

- a) Contractors desiring enlistment in this class shall be private or Public limited concerns.
- b) Contractors desiring enlistment in this class should have a permanent Engineering Organisation capable of dealing with large works in all their stages. They should have sufficient machinery and tools etc. at their disposal for which they should also submit details. They should submit with their application full details about their Engineering Organisation.
- c) The applicant should have successfully completed at least three works each costing not less than Rs. 50 lakhs (gross value) during the last five years on the date of application.
- d) The applicant should furnish a solvency certificate for not less than Rs. 1.5 crores on the prescribed proforma in a sealed cover from his bankers.

Class I - B (Buildings):

The eligibility criteria for registration of contractors in Class I-B (Building), *inter alia*, is as under:

- a) Contractors desiring enlistment in this class shall be private or Public limited concerns.
- b) Contractors desiring enlistment in this class should have a permanent Engineering Organisation capable of dealing with large works in all their stages. They should have sufficient machinery and tools etc. at their disposal for which they should also submit details. They should submit with their application full details about their Engineering Organisation.
- c) The applicant should have successfully completed at least three works of not less than Rs. 15 lakhs each.

Class II:

- a) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 3,00,000/- each.
- b) The contractor or firm having no past experience of building work is also eligible for enlistment in this class provided the working capital is not less than Rs. two lakhs. The individual or one of the partners of the firm should, however, be a qualified graduate Engineer with not less than 10 years experience.

Class III:

- a) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 1,50,000/- each.
- b) The contractor or firm having no past experience of building works is also eligible for enlistment in this class provided the working capital is not less than Rs. 80,000/-. The individual or one of the partners of the firm should, however, be a qualified Graduate Engineer with not less than 3 years experience of a recognized (Diploma holder) Engineer with 10 years experience.

Class IV:

- a) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 30,000/- each.
- b) The contractors or firm having no past experience of Building work is also eligible for enlistment in this class

provided the working capital is not less than Rs. 20,000/-. The individual or one of the partners of the firm should be recognised (Diploma holder) Engineer with 5 years experience or a Graduate Engineer.

Class V:

- a) This class of contractors will include petty suppliers as well as those who may be carrying out petty repair works it is not necessary to specify any qualifications for the recruitment of this class of contractors but the firm should have a working capital of not less than Rs. 10,000/-.

Roads, Bridges and Land Development Contractors:

The same stipulations as for above category (buildings) will apply for contractors enlisted under this category. The basic qualifications of experience, etc. for tendering, however, will be related to "Roads, bridges and land development," instead of "Buildings".

Water Supply and Waste Water Disposal Contractors:

The same stipulations as for above category (Buildings) will apply for contractors enlisted under this category. The basic qualifications of experience, etc. for tendering, however will be related to "Water supply and waste water disposal" instead of "buildings".

IV Irrigation and Hydraulic Works Contractors:

The same stipulations as for above category (Buildings) will apply for contractors enlisted under this category. The basic qualifications of experience etc. for tendering, however will be related to "Irrigation and Hydraulic works", instead of "Buildings".

Electrical Contractors:

1. This category of contractors consists of the following classes:

Class I (Elec.)	Qualified to tender for works upto any amount.
Class II. (Elect.)	Qualified to tender for works upto Rs. 2.25 lakhs.
Class III (Elec.)	Qualified to tender for works upto Rs. 1,00,000/-.
Class IV (Elec.)	Qualified to tender for works upto Rs. 22,500/-.

2. Contractors desiring enlistment in Class I (Elec.) should possess a valid Electrical Licence and should have permanent Engineering Organisation capable of dealing with large works in all their stages. They should employ from tendering stage onwards one Graduate Engineer having an experience of not less than three years of a Diploma qualified Engineer, with not less than seven years experience. They should submit with their applications for enlistment full details about their Engineering Organisation, if any.

3. Contractors enlisted in all classes for Electrical works must have a valid Electrical Licence. In addition, whenever they execute works in this department, they must employ the following technical staff whenever carrying out such works.

- (i) For works costing over Rs. 1,50,000/- One qualified Engineer possessing a University Degree in the Electrical Engineering and having experience of not less than 3 years or a recognised Diploma Holder in Electrical Engineering with not less than seven years experience.
- (ii) For works costing more than Rs. 70,000/- and less than Rs. 1.5 lakhs. One qualified Diploma Holder (Overseer) in Electrical Engineering and having experience of not less than three years or a Graduate Engineer in Electrical Engineering with two years experience.
- (iii) For works costing more than Rs. 37,000/- but less than Rs. 75,000/- One qualified Diploma Holder (Overseer) in Electrical Engineering and having experience of not less than three years.

- (iv) For works One Licensed Supervisor having experience of not costing less than 3 years.
more than Rs. 7500/-
but less than Rs. 37,000/-.

Security Deposit:

4. The rates for deposit of security amount by contractors will be as under: —

“At the rate of 10% of the gross value of work done, in each running bill as alongwith the amount of Earnest Money, if any, already deposited by the contractor will amount to 10% of the cost of work put to tender, subject to a maximum of Rs. 1 lakh.

1. The security deposit shall be collected by deduction from the running bills of contractors at the rates mentioned above and earnest money deposited in cash at the time of tender should be converted as a part of the security deposit.

Class I (Electrical):

- a) Contractors desiring enlistment int his class shall be required to deposit earnest money with each tender in the following manner:

Earnest Money:

- (i) For works upto Rs. 1.5 lakhs. 2.5% of the estimated cost subject to a maximum of Rs. 10,000/-.
- (ii) For works above Rs. 5 lakhs. 2% ad valorem subject to a maximum of Rs. 20,000/-.

- b) Contractors desiring enlistment in this class should possess a valid Electrical Licence and have an office capable of preparing estimates and submitting bills regularly for work done, provided for in the contract. Their office should have sufficient technical personnel for preparing estimates and submitting tenders in an intelligent manner and for supervision of works.
- c) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 75,000/- each.
- d) The contractor or firm having no past experience of Electrical works is also eligible for enlistment in this class provided the working capital is not less than Rs. 2,00,000/-. The individual or one of the partners of the firm should be a qualified Engineer possessing the University degree in the Electrical Engineering and having experience of not less than seven years. The Engineer should have executed satisfactorily in a responsible capacity works as mentioned in para (c) above.

Class II (Electrical):

- a) Contractors desiring enlistment in this class should be required to deposit earnest money at 2.5% of the estimated cost with their tenders.
- b) Contractors desiring enlistment in this class should possess a valid Electrical Licence.
- c) Firms desiring enlistment in the class should have satisfactorily executed at least three works of not less than Rs. 50,000/- each.
- d) The contractor or firm having no past experience of Electrical works is also eligible for enlistment in this class provided the working capital is not less than Rs. 60,000/-.

The individual or one of the partners of the firm should be a qualified Engineer possessing a University Degree in Electrical Engineering and having experience of not less than 5 years or a recognised diploma holder Engineer with not less than 15 years experience. The Engineer should have executed satisfactorily in a responsible capacity works as mentioned in para (c) above.

Class III (Electrical):

- a) Contractor desiring enlistment in this class shall be required to deposit earnest money at 2.5% of the estimated cost with their tenders.
- b) Contractor desiring enlistment in this class should possess a valid Electrical Licence.
- c) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 15,000/- each.
- d) The contractors or firm having no past experience of Electrical works is also eligible for enlistment in this class provided the working capital is not less than Rs. 15,000/-. The individual or one of the partners of the firm should be a Engineer possessing a recognised diploma in Electrical Engineering and having experience of not less than 5 years. The Engineer should have executed satisfactorily in a responsible capacity works as mentioned in para (c) above.

Class IV (Electrical):

- a) As this class of contractors will include petty suppliers as well as these people who may be carrying out petty repair works, it is not necessary to specify any qualifications for the recruitment of this class.
- b) They will be required to deposit earnest money at 2.5% of the estimated cost with their tenders.
- c) They must have valid Electrical Licence.

Class I (Furniture):

- a) Contractors desiring enlistment in this class shall be required to deposit earnest money with each tender.

Earnest Money:

1. For works upto Rs. 5,00,000/- 2½% of the estimated cost subject to a maximum of Rs. 10,000/-.
2. For works above Rs. 5,00,000/- 2% ad valorem subject to a maximum of Rs. 20,000/-.

Security Deposit:

- a) Security Deposit will be recovered in the manner indicated in para 4 above under Electrical Contractors.
- b) Contractor desiring enlistment in this class should possess properly fitted wood workshop with sufficient large stocks of timber. They should have paint, polish and other finishing equipment, and they should employ designers who are capable of producing well thought out schemes for furnishing large buildings.
- c) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 25,000/- each, and aggregate of all works executed should not be less than Rs. 1,25,000/-.

Class II (Furniture):

- a) Contractors desiring enlistment in this class shall be required to deposit earnest money at 2½% of the estimated cost with their tenders.

Security deposit will be recovered in all cases in the manner as indicated in para 4 above.

- b) There is no option for contractors of this class to deposit lumpsum security for securing exemption from the payment of earnest money.
- c) Contractors desiring enlistment in this class should have a wood workshop, maintain a sufficient stock of timber and have arrangements for producing good quality furniture. They should also have adequate arrangements for good quality polishing and paintings.
- d) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 10,000/- each and the aggregate of all works executed should not be less than Rs. 50,000/-.

Class III (Furniture):

- a) Contractor desiring enlistment in this class shall be required to deposit earnest money at 2½% of the estimated cost with their tenders.

Security deposit will be recovered in all cases in the manner as indicated in para 4 above.

- b) There is no option for contractors of this class to deposit lumpsum security for securing exemption from the payment of earnest money.
- c) Contractors desiring enlistment in this class should own wood workshop and have arrangements for producing good quality furniture. They should also have adequate arrangements for good quality polishing and paintings.
- d) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 2,500/- each and the aggregate of all works executed should not be less than Rs. 12,500/-.

Class IV (Furniture):

- a) This class of contractors will consist of petty suppliers engaged in the trade of furniture supply.
- b) They will be required to pay earnest money and security deposit in the same manner as prescribed for Class II and III (Furniture) contractors.

General Rules:

- i) All the contractors are required to apply to the Income Tax Officers of the area in which they are assessed for grant of Income Tax Clearance Certificate in the month of May every year.

The Tax Clearance Certificate in original should be submitted to the Chief Engineer, P.W.D., who has enlisted the contractor, by the end of June every year.

- ii) The contractors, who fail to submit the Income Tax Clearance Certificate or fail to show any justifiable reasons for non-supply of the Income Tax Clearance Certificate in their names will be liable to be removed from the approved list of contractors.

- iii) Contractors will be required to certify that they will not get themselves registered under more than one name.

- iv) No Engineer of Gazetted or other Gazetted Officer employed in Engineering or Administrative duties in the Engineering Department of the Government of Goa is allowed to work in the P.W.D. either as contractor or as employee of a contractor for a period of two years of his retirement from Government services without the prior permission of Government. If subsequently, either the contractor or any of his employee is found any time to be such a person who had not obtained the permission of Government as aforesaid, his name is liable to be removed from the list of approved contractors.

v) Contractors who are near relatives of Divisional accountant or Engineering Officers between the grades of Superintending Engineer and Assistant Engineer of the Public Works Department will not be allowed to tender for works in circle (responsible for award and execution of contract) where their near relative is working.

NOTE: A near relative will include wife, husband, parents, and grand parents, children and grand children, brothers and sisters, uncles, aunts and cousins and their corresponding in laws.

vi) The list of approved contractors will be reviewed periodically with a view to recommending the weeding out of contractors quality of malpractice or otherwise unsuitable.

vii) They are required to secure works in the department. In case they fail to secure any work during the period of three consecutive years, the contractors are liable to be weeded out from the approved list of contractors of this Department.

viii) They should also intimate the change in their permanent address if any, in future, in case they fail to intimate such change(s) to the Department, their names will be removed from the approved list of contractors.

ix) The contractor/firm shall not enter into any fresh partnership without the prior knowledge of the department. Such proposal, if any, shall be submitted in advance giving full details of the intending partnership/sole proprietorship alongwith the draft partnership deed/affidavit. Any departure from this will render the contractor/firm liable to be removed from the approved list of contractors of this department.

x) The contractor may be demoted to a lower class if he:

- a) fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects or
- b) has no longer adequate equipments, technical personnel or financial resources or
- c) Litigious by nature or
- d) violates any important conditions of contract; or
- e) is responsible for a conduct which may justify his demotion to a lower class.

xi) The name of the contractor may be removed from the approved list of contractors if he:

- a) has failed to execute a contract or has executed it unsatisfactorily, on more than one occasion, or
- b) is proved to be responsible for constructional defects in a number of cases; or
- c) persistently violates any important conditions of the contract; or
- d) fails to abide by the conditions of registration; or
- e) is found to have given false information at the time of registration; or
- f) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or
- g) persistently violates the labour regulations and rules.